

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ELAINE L. CHAO, SECRETARY
OF LABOR, UNITED STATES
DEPARTMENT OF LABOR,

Plaintiff,

v.

CIVIL ACTION NO. H-03-5394

DON R. JOHNSON, CONTINUUM
HEALTHCARE SYSTEMS, INC.
GROUP HEALTH INSURANCE PLAN,
and CONTINUUM HEALTHCARE
SYSTEMS, INC. SECRET TO
SUCCESS 401(K) PLAN,

Defendants.

FINAL JUDGMENT

For reasons separately stated in the Memorandum and Order
signed by the Court this day, it is

ORDERED and ADJUDGED that summary judgment is granted in favor
of Elaine L. Chao, Secretary of Labor, United States Department of
Labor, and the relief sought by Plaintiff is GRANTED. It is
therefore

ORDERED and ADJUDGED that Continuum Healthcare Systems, Inc.
Secret to Success 401(k) Plan have and recover from Defendant Don
R. Johnson the sum of FIVE THOUSAND EIGHT HUNDRED TWENTY-FOUR AND
61/100 DOLLARS (\$5,824.61), and that Continuum Healthcare Systems,
Inc. Group Health Insurance Plan have and recover from Defendant
Don R. Johnson the sum of TWENTY-FIVE THOUSAND TWO HUNDRED ELEVEN

and 16/100 DOLLARS (\$25,211.16), together with interest on each of the foregoing sums in the amount of 3.88% per annum from the date of this Final Judgment until paid. It is further

ORDERED and ADJUDGED that Defendant Don R. Johnson is permanently ENJOINED from violating the provisions of ERISA; and it is further

ORDERED and ADJUDGED that Defendant Don R. Johnson is permanently ENJOINED from acting as a fiduciary of Continuum Healthcare Systems Inc. Secret to Success 401(k) Plan and Continuum Healthcare Systems, Inc. Group Health Insurance Plan, and of any other employee benefit plans covered by ERISA.

This is a **FINAL JUDGMENT**.

The Clerk will enter this Order and send copies to all counsel of record.

SIGNED at Houston, Texas on this 30th day of August, 2005.



Ewing Werlein, Jr.
EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE